

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. 3:11-CV-114-TAV-CCS
	)	
v.	)	
	)	
WILLARD S. MCCORMICK,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the order of the District Judge referring a Motion to Compel Post-Judgment Discovery, filed by the United States, to the undersigned for disposition or report and recommendation as may be appropriate.

On August 8, 2011, judgment was entered against Defendant Willard S. McCormick in this case, for student loan debt in the total amount of \$66,069.04. Interest has accrued on the judgment at the rate of .160% per annum. The United States represents that, since entry of the judgment, the United States has collected one involuntary payment through the Treasury Offset Program in the amount of \$7,061.00, toward satisfaction of this judgment. In its Motion to Compel, the United States represents that it served requests for post-judgment discovery related to recovering the student loan debt on the Defendant on several occasions, most recently December 4, 2013. The United States represents that the Defendant has not responded to the post-judgment discovery, and the United States moves the Court to compel the Defendant to

respond to the post-judgment discovery. Assistant United States Attorney Suzanne H. Bauknight has submitted a declaration attesting to the above facts.

The Motion to Compel Post-Judgment Discovery was filed May 7, 2014, and Ms. Bauknight certified that a copy of the motion was mailed to Willard S. McCormick, 7144 Pisa Circle, Corryton, TN 37721, on the same date.

Defendant McCormick has not responded to the Motion to Compel Post-Judgment Discovery [Doc. 9], and the time for doing so has expired, see Fed. R. Civ. P. 6(d), 5(b)(2)(E); E.D. Tenn. L.R. 7.1. The Court may treat this failure to respond as acquiescence to the relief sought. See E.D. Tenn. L.R. 7.2; see also Campbell v. McMinn County, 2012 WL 369090 (E.D. Tenn. 2012) (Curtis, C.J.) (“Plaintiff’s failure to respond effectively waives any objections that he may have had on this matter.”).

Accordingly, the Court finds that the Motion to Compel Post-Judgment Discovery [**Doc. 9**] is well-taken, and it is **GRANTED IN PART** and **DENIED IN PART** as follows. Defendant Willard S. McCormick **SHALL RESPOND** to the post-judgment discovery that has been served upon him on or before **June 17, 2014**. The Court will not award fees or expenses at this time. However, failure to comply with this Memorandum and Order may result in the Court issuing sanctions, including an award of fees and expenses or other monetary sanctions. See Fed. R. Civ. P. 37(b)(2). The Clerk of Court is **DIRECTED** to mail a copy of this Memorandum and Order to Defendant at his last known address.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge